

# State of South Dakota

## EIGHTY-NINTH SESSION LEGISLATIVE ASSEMBLY, 2014

645V0494

### SENATE BILL NO. 176

Introduced by: Senators Peters, Brown, Kirkeby, Rave, and Tidemann and Representatives Cronin, Carson, Gosch, Lust, Romkema, and Wink

1 FOR AN ACT ENTITLED, An Act to revise the fund for which the sales and use tax revenue  
2 from certain remote sellers and internet access services is deposited and to repeal the tax  
3 relief fund.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 10-45C-15 be amended to read as follows:

6 10-45C-15. The additional net revenue received by the state from ~~voluntary retail licensees~~  
7 remote sellers shall be deposited in the ~~tax relief building South Dakota~~ fund created pursuant  
8 to ~~§ 10-45C-14~~ § 1-16G-47. For the purposes of ~~§ 10-45C-14~~ and this section, a ~~voluntary retail~~  
9 ~~licensee~~ remote seller is any person licensed through the Streamlined Sales and Use Tax  
10 Agreement to remit sales and use tax pursuant to chapters 10-45 and 10-46 who ~~does not~~  
11 ~~otherwise have a legal obligation~~ has voluntarily agreed to remit such taxes or is any person who  
12 the state through a federal act has been granted authority requiring the remote seller to remit  
13 such taxes.

14 The net revenue received from sales and use tax imposed on internet access services  
15 pursuant to chapters 10-45 and 10-46 shall be deposited in the building South Dakota fund



1 created pursuant to § 1-16G-47.

2 Section 2. That § 10-45C-15 be repealed on March 1, 2015.

3 Section 3. That § 10-45C-14 be repealed.

4 ~~10-45C-14. There is hereby created in the state treasury the tax relief fund. The revenue~~  
5 ~~collected pursuant to § 10-45C-15 shall be deposited in the tax relief fund for the purpose of~~  
6 ~~reducing the rate of taxation or reducing property taxes. The fund shall be invested as provided~~  
7 ~~by law, and the interest earned shall be credited to the fund. The Legislature may not appropriate~~  
8 ~~any money from the tax relief fund until the second fiscal year after Congress approves~~  
9 ~~legislation giving states the authority to require retailers to collect South Dakota's sales and use~~  
10 ~~tax.~~